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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,304	11/09/1999	FRANKLIN E. BOYER	UV-112	7797
7590	09/15/2005			
G VICTOR TREYZ FISH AND NEAVE 1251 AVENUE OF THE AMERICAS NEW YORK, NY 100201104			EXAMINER NGUYEN, QUANG N	
			ART UNIT 2141	PAPER NUMBER

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,304

Applicant(s)

BOYER ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,12,13,15,23,24,26 and 34-42 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1,2,4,12,13,15,23,24,26 and 34-42 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/02/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Detailed Action

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/08/2005 has been entered.

Claims 1, 12 and 23 have been amended. Claims 1-2, 4, 12-13, 15, 23-24, 26 and 34-42 remain for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-2, 4, 12-13, 15, 23-24, 26 and 34-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerace (US 5,848,396), in view of Schein et al. (US 6,388,714) hereafter referred as Schein.**

4. As to claims 1 and 4, Gerace teaches a system and method for providing a user with personalized schedule information for television-related and non-television-related events, comprising:

providing the user with an opportunity to select at least one television-related information source from a plurality of television-related information sources (*i.e., providing the user with an opportunity to select at least one television-related information source from the television table which lists the channel airing the program, start and end times, and other related information*) (Gerace, C10: L9-23);

providing the user with an opportunity to specify first criteria for delivering television program listings from the at least one selected television-related information source (*i.e., users will be able to find local or network television and satellite channel schedules by specifying the "zip code" criteria. Users also have the capability to search for a specific show or film by show/film name, search for a specific local or national network/satellite channel by channel name/number, to see when and where, i.e., on what channel, they are playing*) (Gerace, C22: L43-52);

providing the user with an opportunity to select at least one non-television-related information source from a plurality of non-television-related information sources for providing schedule information for non-televised events (*i.e., providing the user with an opportunity to select at least one non-television-related information source from the film table which lists for each film cinema where playing, show times, length in time, rating and the live performance table which includes symphony and theater performance schedules and place/theater*) (Gerace, C10: L9-23);

providing the user with an opportunity to specify second criteria for delivering schedule information from the at least one selected non-television-related information source (*i.e., users will be able to find film schedules by the "zip code" criteria and also have the capability to search for a specific show or film, i.e., search by "the name", (to see where and when it is playing, i.e., to see its schedule information) or theater (to see what they are playing)*) (Gerace, C10: L17-22 and C22: L43-52);

providing the user with an opportunity to select a delivery scheme from a plurality of delivery schemes consisting of continuous delivery, e-mail, HTML mail, pager/digital phone reminder, and pager/digital phone notification, for delivering the personalized schedule information (*delivering messages, notices, warnings and the personalized schedule information via email or the World Wide Web*) (Gerace, C17: L18-52, C21: L23-27 and L50-52);

generating the personalized schedule information (*i.e., generating the Media Schedule Page*), wherein the personalized schedule information includes the television program listings based on the first specified criteria, and the schedule information for non-televised events based on the second specified criteria (*i.e., the Media Schedule Page includes three tables of information – one table for television listings, one for film listings and one for live performance listings as illustrated in Appendix I*) (Gerace, C10: L9-23 and C26: L40-63); and

delivering the personalized schedule information to the user based on the delivery scheme selected by the user (*the Media Schedule Page is displayed for the user via email or the World Wide Web*).

However, Gerace does not explicitly teach the television program listing includes at least one video or video still related to one of the television program listings.

In a related art, Schein teaches an interactive computer system for providing television schedule information to a viewer and for allowing the viewer to link, search, select and interact with information, wherein a sample television schedule system 700 is illustrated in Fig. 12A comprising a program area 726 depicts the currently tuned program and a preview window area 728 can be used for all types of promotional, descriptive, or contextual video or graphics, such as a short preview of the show that is currently being highlighted/selected in show matrix 706 (*including at least one video or video still related to one of the television program listings*) (Schein, C18: L12-18).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Gerace and Schein to include at least one video or video still related to one of the television program listings since such methods were conventionally employed in the art to allow the system to present information (*such as all types of promotional, descriptive, or contextual video or graphics, such as a short preview of the currently being highlighted/selected show*) to the viewer or to advertise programs or products from program sponsors directly or indirectly linked to the particular program/show (Schein, C18: L12-32).

5. As to claim 2, Gerace-Schein teaches the method of claim 1, further comprising the step of providing the user with an opportunity to select at least one desired non-television-related web site (Gerace, C8: L29-32, C10: L32-38 and C14: L24-36).

6. As to claims 34-35, Gerace-Schein teaches the method of claim 1, further comprising the step of providing the user with an opportunity to specify display settings (i.e., providing the user with display preferences including orientation, colors scheme, *design, layout, etc., with respect to the category of information*) for displaying the personalized schedule information and maintaining a history of user preferences (i.e., *user profile*) based on the information specified by the user (Gerace, C6: L22-45 and C17: L1-8).

7. As to claim 36, Gerace-Schein teaches the method of claim 35, further comprising the step of providing the user with reminders based on the history of user preferences (Gerace, C17: L38-52).

8. Claims 12-13, 15, 23-24, 26 and 37-42 are corresponding on-line scheduling application system claims of claims 1-2, 4 and 34-36; therefore, they are rejected under the same rationale.

9. Applicant's arguments as well as request for reconsideration filed on 07/08/2005 have been fully considered but they are moot in view of the new ground(s) of rejection.

10. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

11. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER